



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

September 23, 2014

Ms. Sharon Sutherland
Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585

CITATION NO. 02-03-14C-018 FOR PWS NO. 2300503 BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION

Enclosed is a citation issued to the Sutherland Waterworks (System), public water system number 2300503, for failing to conduct routine bacteriological monitoring in May 2014.

Because this is an enforcement action for noncompliance with State regulations, your System will be billed at the Department's hourly rate (currently estimated at \$128.00) for the time spent issuing this citation. You will receive a bill for these fees sent from our Fee Billing Unit in Sacramento later this year.

As a result of this and previous sample collection failures, the Department has a continuous boil water notice for Sutherland Waterworks, since March of 2013. As previously noted in our October 10, 2013 letter, we are now independently sending out copies of all new citations and/or public notices to many of the System's customers. Our public notification actions should not be considered meeting the public notification directives in the citation. If you have any questions regarding this matter, please contact Lori Hanson of my staff at (707) 576-2145.

Sincerely,

A handwritten signature in cursive script that reads "Michelle F. Frederick".

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Field Operations Branch

Enclosures

c: on following page FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

c: County of Mendocino, Environmental Health
860 N. Bush Street
Ukiah, CA 95482

Leggett Post Office
67674 Drive Thru Tree Road
Leggett, CA 95585

Leggett Patriot Gas Station
67670 Drive Thru Tree Road
Leggett, CA 95585

Patriot Gas Stations, Headquarters
1100 W. 14th Street
P.O. Box 4868
Eureka, CA 95502-4868

Mr. Jason Castillo
P.O. Box 245
Leggett, CA 95585

Mr. Ralph Emerson
P.O. Box 182
Garberville, CA 95542

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Sutherland Waterworks

Water System No: 2300503

To: Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585

Issued: September 23, 2014

**CITATION FOR NONCOMPLIANCE
WITH TOTAL COLIFORM MONITORING AND REPORTING
May 2014**

The State of California Water Resources Control Board, Division of Drinking Water (Division) hereby issues a citation to the Sutherland Waterworks (System) for failure to comply with Sections 64423 and 64423.1, Title 22, of the California Code of Regulations (CCR).

Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any

1 regulation, standard, permit or order issued thereunder. A copy of the *Applicable*
2 *Statutes and Regulations* is located in Appendix 1, which is attached hereto and
3 incorporated by reference.

4 **STATEMENT OF FACTS**

5 Sutherland Waterworks is classified as a non-community water system serving 7
6 connections with a population of approximately 30. According to Sections 64423
7 and 64423.1, Title 22, of the CCR, the System is required to collect one routine
8 bacteriological sample per month from the distribution system and report the findings
9 to the Division database. As of the date of this Citation, the Division has not
10 received results for a routine bacteriological sample collected from the distribution
11 system of the Sutherland Waterworks during May 2014.
12

13 **DETERMINATIONS**

14 The Division has determined that the Sutherland Waterworks violated Sections
15 64423 and 64423.1, Title 22, of the CCR in May 2014. Section 64423 states that
16 water suppliers are required to collect routine bacteriological samples based on the
17 population served or the total number of service connections. Section 64423.1
18 states that analytical results of all required samples collected for a water system in a
19 calendar month shall be reported to the Division no later than the tenth day of the
20 following month.
21

22 Sutherland Waterworks collected fewer than the minimum number of required
23 routine samples in May 2014 and failed to report the findings, if any, to the Division
24 by June 10, 2014. Therefore, the System violated the total coliform routine
25 monitoring and reporting regulations contained in Sections 64423 and 64423.1, Title
26 22, of the CCR.
27

DIRECTIVES

The Sutherland Waterworks is hereby directed to take the following actions:

1. Comply with Sections 64423 and 64423.1, Title 22, of the California Code of Regulations in all future monitoring periods.
2. On or before **October 23, 2014**, notify all persons served by the System of the bacteriological monitoring violation in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. A copy of these regulatory sections is provided in Appendix 1. The Public Notification Template in Appendix 2 may be used to fulfill this directive.
3. The System shall complete Appendix 3: Compliance Certification. Submit Appendix 3 together with a copy of the **two methods of public notification** to the Division on or before **October 30, 2014**.

The Division reserves the right to make such modifications to this Citation, as it deems necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

1 All documents required by this Citation shall be submitted to the Division at the
2 following address:

3
4 Michelle F. Frederick, P.E., District Engineer
5 Mendocino District
6 Drinking Water Field Operations Branch
7 50 D Street, Suite 200
8 Santa Rosa, CA 95404

9
10
11
12 **PARTIES BOUND**

13 This Citation shall apply to and be binding upon the System, its officers, directors,
14 agents, employees, contractors, successors and assignees.

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18 **SEVERABILITY**

19 The directives of this Citation are severable, and the System shall comply with each
20 and every provision thereof, notwithstanding the effectiveness of any provision.
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1 **FURTHER ENFORCEMENT ACTION**

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3 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
4 California Health and Safety Code authorizes the Division of Drinking Water to:
5 issue additional citations with assessment of penalties if the System continues to fail
6 to correct a violation identified in a citation; take action to suspend or revoke a
7 permit that has been issued to a public water system if the System has violated
8 applicable law or regulations or has failed to comply with orders of the Division; and
9 petition the superior court to take various enforcement measures against a public
10 water system that has failed to comply with orders of the Division. The Division
11 does not waive any further enforcement action by issuance of this citation.
12

13
14 Michelle F. Frederick Sept. 23, 2014
15

16 Michelle F. Frederick, P.E.
17 District Engineer
Mendocino District

Date

18
19 Certified Mail No. 70123460000264594720
20

21 Appendices (3):

- 22 1. Applicable Statutes and Regulations
23 2. Public Notification Template
24 3. Compliance Certification
25

26 2300503/Compliance Section #6
02-03-14C-018/LSH
27



APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02-03-14C-018

Note: The Department referenced below, formerly the California Department of Public Health, Drinking Water Program, now refers to the State Water Resources Control Board, Division of Drinking Water. The Drinking Water Program moved to the State Water Resources Control Board on July 1, 2014.

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations (CCR), Section 64423 states in relevant part:

(a) Each water supplier shall collect **routine** bacteriological water samples as follows:

(1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A.

California Code of Regulations (CCR), Section 64423.1 states in relevant part:

(a) Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

California Code of Regulations Section 64463.4 states, in relevant part:

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards –

Bacteriological Quality)), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but **in no case less than seven days**;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform

MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the Department as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, **noncommunity water systems shall give the public notice by:**

(A) **Posting in conspicuous locations** throughout the area served by the water system; and

(B) **Using one or more of the following methods to reach persons not likely to be reached by a public posting:**

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

California Code of Regulations (CCR), Section 64465 states in relevant part:

(a) Each public notice given pursuant to this article shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by

posting this public notice in a public place or distributing copies by hand or mail";
and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During *[compliance period dates]*, we *[did not monitor or test or did not complete all monitoring or testing]* for *[contaminant(s)]*, and therefore, cannot be sure of the quality of your drinking water during that time."

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

(1) Contain information in the appropriate language(s) regarding the importance of the notice, or

(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

- (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
- (3) Not contain language that minimizes or contradicts the information being given in the public notice.

APPENDIX 2
BOIL WATER NOTICE

Failure to follow this advisory could result in stomach or intestinal illness.

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Our water system, **Sutherland Waterworks**, failed to test the drinking water for coliform bacteria during the month of **May 2014**. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality. During May 2014, we did not test for bacteria and therefore cannot be sure of the quality of your drinking water during that time. Our failure to test the drinking water for bacteria during May 2014 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

The California State Water Resources Control Board Division of Drinking Water in conjunction with the Mendocino County Health Department and Sutherland Waterworks are advising users of the Sutherland Waterworks water system to boil their tap water or use bottled water for drinking and cooking purposes as a safety precaution until regular monitoring of the water quality is consistently performed. We will inform you when the water is safe to drink and you no longer need to boil your water. It is currently unknown when this boil water notice will be lifted.

DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST. *Bring all water to a boil, **let it boil for one (1) minute**, and let it cool before using. Boiling kills bacteria and other organisms in the water. Boiling is the preferred method to assure that the water is safe to drink. Another alternative is to use bottled water. Boiled or bottled water should be used for drinking, brushing teeth, and food preparation until further notice.*

Optional alternatives:

- An alternative method of disinfection for individuals that are not able to boil their water is to use fresh, unscented, liquid household bleach. To do so, add 8 drops (or 1/8 teaspoon) of bleach per gallon of clear water or 16 drops (or 1/4 teaspoon) per gallon of cloudy water, mix thoroughly, and allow it to stand for 30 minutes before using. A chlorine-like taste and odor will result from this disinfection procedure and is an indication that adequate disinfection has taken place.
- Water disinfection tablets may also be used by following the manufacturer's instructions.

Date issued: September 23, 2014

For more information call:

Water Utility contact: Sharon Sutherland at (707) 354-0603
Division of Drinking Water Mendocino District Office at (707) 576-2145

Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of this notice from **Sutherland Waterworks** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).

PUBLIC WATER SYSTEM NO. 2300503

Date: _____

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number : 02-03-14C-018

Name of Water System: **Sutherland Waterworks**

System Number: **2300503**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations. In addition, I certify that the Sutherland Waterworks complied with the directives of this citation as indicated below:

Required Action	Date Completed
Public Notification – First Method (REQUIRED) <input checked="" type="checkbox"/> Post in conspicuous locations in each business served by the water system for a minimum of 7 days (attach copy of posting, state locations and dates of posting)	<div></div>
Public Notification – Second Method Choose one of the following: <input type="checkbox"/> Publication in a local newspaper or newsletter (attach copy of newspaper publication or newsletter); OR <input type="checkbox"/> Direct delivery of notice to each customer; OR <input type="checkbox"/> Posting notice on the Internet or intranet (provide printout of website)	<div></div>

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION
NO LATER THAN October 30, 2014**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.